

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JACQAUS L. MARTIN,	)	
	)	
Petitioner,	)	4:05cv3049
	)	
vs.	)	ORDER
	)	
	)	
ROBERT HOUSTON,	)	
	)	
Respondent.	)	

This matter is before the court on filing no. 41, the petitioner's Motion for Evidentiary Hearing. The petitioner seeks an evidentiary hearing under the impression that the respondent has failed to file the brief required by the court's Progression Orders (filing nos. 28 and 31). However, the court's records indicate that the respondent did file his brief on June 13, 2006 (filing no. 32).

IT IS THEREFORE ORDERED:

1. That the Clerk of Court shall send the petitioner a copy of filing no. 32 and a docket sheet for this case together with a copy of this Order; the respondent is requested to ensure, through subordinates, that the petitioner is allowed to receive the documents;
2. That the petitioner shall notify the court as soon as possible if he has not received any other filings listed on the docket sheet; and
3. That as the respondent has indeed filed a brief, filing no. 41 is denied.

DATED this 12<sup>th</sup> day of July, 2006.

BY THE COURT:

s/ F. A. GOSSETT  
United States Magistrate Judge